

Entered - 05/01/01 - sb  
CL 01L0275 - GWENDOLYN BURNS

01-R-1065

CLAIM OF: JOHN H. GIBSON. PhD  
2749 The Fontainebleau, SW  
Atlanta, Georgia 30331

For damages alleged to have been sustained as a result of a sewer  
backup on April 20, 2001 at 2749 Fontainebleau, SW.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY  
*Robert, City DCA*

*Referred* CONSENT AGENDA  
*7/16/01*  
*Public Safety & Legal Administration*

Standing committees  
AGENDA

## ADVERSE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: *7/10/01*

CHAIR: *C.T. Martin*

*Theresa Dorsey*  
*John*

*No Recommendation 3-3*  
**ADVERSE REPORT**

COMM: *PS & LA*

DATE: *7/31/01*

CHAIR: *C.T. Martin*

*Michael Stue* - No

*Dan Stueh* - no

*Theresa Dorsey*

*John*

*Clara Henderson*



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

August 8, 2001

John H. Gibson  
2749 The Fontainebleau, S W  
Atlanta, Georgia 30331

**01-R-1065**

Dear Dr. Gibson:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on August 6, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,  
*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 01L0275

Date: June 27, 2001

Claimant /Victim JOHN H. GIBSON, PhD  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2749 The Fontainebleau, SW, Atlanta, Georgia 30331  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 2,942.95 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 4/30/01 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 4/20/01 Place: 2749 The Fontainebleau, SW  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that he sustained property damages from a sewer back up. However, an investigation determined that the City did not have notice of any problems at this location prior to the March 29, 2001 occurrence. The investigation further concluded that the backup was caused by a grease blockage in the main line, which is a violation of the City's grease ordinance (Atlanta City Code § 154-297)

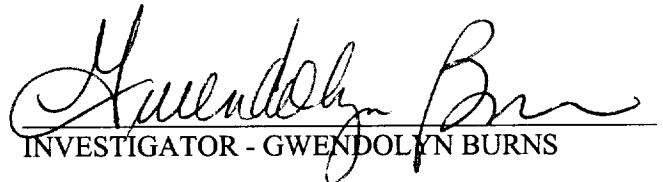
**INVESTIGATION:**

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

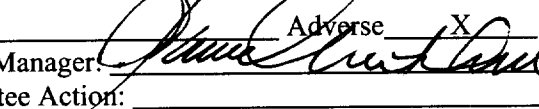
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 06-28-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3060  
8/06/01  
5:50 PM

Atlanta City Council

Regular Session

01-R-1065

Claim of John H. Gibson, PhD. for  
damages resultant of sewer backup  
ADVERSE

YEAS: 8  
NAYS: 5  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y McCarty	N Dorsey	Y Moore	N Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
N Bond	Y Morris	N Maddox	N Alexander
NV Winslow	NV Muller	Y Boazman	NV Pitts

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